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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,318	12/04/2003	Barry G. Lawrence	8613.1	9374

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EXAMINER


WALSH, JOHN B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,318	<b>Applicant(s)</b> LAWRENCE, BARRY G.	
	<b>Examiner</b> John B. Walsh	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/4/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 18-21 are objected to because of the following informalities: Claims 18-21 are unclear because the keeper is being used as a point of reference to itself. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,736,972 to Mosch.

A locking device, comprising: a keeper (12) defining an internal cavity; a housing (10) having an interior that defines a keeper recess; a cam (36) rotatively positioned within said housing; wherein said keeper selectively engages the keeper recess within said housing; and wherein said cam selectively engages said keeper within the internal cavity said keeper.

As concerns claim 2, a washer (35) positioned between said cam and said interior of said housing.

As concerns claim 3, wherein said interior further defines an inset (figure 2; bottom of housing) for accommodating and substantially compressing said washer.

As concerns claim 4, wherein said washer is substantially round (figure 2).

As concerns claim 5, wherein said washer is resilient to vertical and horizontal compression (washer inherently is resilient to a certain degree of vertical and horizontal compression).

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As concerns claim 6, wherein said washer includes a vertical tensioning member (44) that provides a tensioning force in a vertical direction.

As concerns claim 7, wherein said vertical tensioning member comprises a raised portion (44) that resists vertical compression.

As concerns claim 8, wherein said washer includes a lateral tensioning member (68) that provides a tensioning force in a horizontal direction.

As concerns claim 9, wherein said lateral tensioning member comprises a lug (68) extending beyond the diameter of said washer, said lug constructed to resist horizontal compression.

As concerns claim 10, wherein said interior defines an inset (bottom of housing) for said washer, said inset defining a notch (65) for correspondingly receiving said lug, the notch positioned to relieve horizontal compression acting on said washer.

As concerns claim 11, wherein said lug engages said notch to produce an audible indication thereof (audible indication is inherent, when the two parts engage the contact between the two parts will produce some sort of audible sound).

As concerns claim 12, wherein said housing further comprises integral supports (22, 21) in said housing interior, said supports enhancing structural integrity.

As concerns claim 13, a window locking mechanism, comprising: a keeper (12) defining an internal cavity; a housing (10) defining a keeper recess; and engagement means (36) for said keeper to engage the keeper recess such that least part said keeper engages the keeper recess within said housing.

As concerns claim 14, wherein said keeper includes a raised portion (23) for engaging the keeper recess.

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As concerns claim 15, wherein said engagement means comprises a solid cam (36) rotatively positioned within said housing, said cam engaging the keeper cavity and urging said keeper to engage the keeper recess within said housing.

As concerns claim 16, wherein said engagement means comprises a slotted cam (36) rotatively positioned within said housing that urges said keeper to engage the keeper recess within said housing.

As concerns claim 17, wherein said engagement means comprises a wedge (50) that urges said keeper to engage the keeper recess within said housing.

As best understood concerning claims 18-21, the keeper has a surface area (figure 1).

As concerns claim 22, a window unit having a locking mechanism, said locking mechanism comprising: a keeper (12) defining an internal cavity; a housing (10) defining a first tier-recess combination (portion of recess closer to back wall) and a second tier-recess combination (portion of recess closer to front wall); a cam (36) rotatively positioned within said first tier-recess combination; and a washer (35) positioned between said housing and said cam, wherein said second tier-recess combination extends along at least a portion of said housing, wherein said keeper is nestable within the second tier-recess combination.

As concerns claim 25, wherein said cam is substantially D-shaped (figure 4; 36 is substantially D-shaped).

As concerns claim 26, a handle (30) mounted through said first tier-recess combination to rotate said cam.

As concerns claim 27, wherein said handle includes a graduated shaft (31,32), said graduated shaft having a top portion and a bottom portion, said bottom portion defining an opening (33) for receiving a connector.

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As concerns claim 28, said cam including a graduated aperture (55) for receiving said graduated shaft.

As concerns claim 29, wherein said housing is mounted to a window sash or a window frame (column 1, line 51).

As concerns claim 30, wherein said keeper is mounted to a window sash or a window frame (column 1, line 51).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,736,972 to Mosch.

Mosch '972 does not explicitly disclose the locking mechanism comprising a metal or plastic material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the locking mechanism of metal or plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

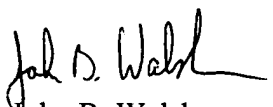
*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Walsh  
Primary Examiner  
Technology Center 3670